

From: [Koehl, Krista](#)
To: [Lori Cora/R10/USEPA/US@EPA](#)
Cc: [Sean Sheldrake/R10/USEPA/US@EPA](#); [Madalinski, Kelly](#); [McKenna, Jim](#)
Subject: RE: FW: T4 DSR Comments
Date: 11/16/2009 03:15 PM

Hi Lori. Thanks for the quick reply. I was out Friday and now finally have a chance to catch up on my emails.

Yes, there was a chart developed that indicated the Port reserved the right to discuss the temporal and spatial elements as part of the RI/FS and that would be applied to T4 (if appropriate for CDFs). The performance standard conversation is proceeding on the RI/FS front and frankly I believe we have made a lot of progress, although slower than we all originally anticipated in Nov 2007. It is our understanding that the RI/FS process will determine the performance standard issues, including specifically for CDFs. It has to because the FS will be evaluating CDFs (and CADs) as part of the alternatives analysis, including a CDF in the lagoon. The performance standards for CDFs need to be determined in the RI/FS even if the T4 CDF was not on the table.

I like your suggestion; we will develop the additional information requested by EPA and lay out our rationale, including our interpretation of the dispute resolution and approval of the phased schedule. If EPA disagrees with our schedule proposal even with the more detailed information and rationale, we can deal with it at that point.

In the meantime, it does not make sense to submit (on the same day as the letter) a final Design Status Report (DSR) that includes an overall project schedule because this schedule could be impacted by EPA's response to the Port's additional information submittal. The next T4 project deliverable is due February 1 (groundwater model input memo), and the schedule discussions we are having should have absolutely no impact on that. Rather, that deliverable is dependent on EPA's acceptance of the harborwide AFT model approach, scheduled for December. As long as the DSR is finalized before February 1, the DSR finalization should not have any impact on the overall schedule--even if EPA completely denies our schedule request.

Alternatively, we could submit the final DSR without the schedule and include the schedule once EPA acts on our additional information submittal. Kelly will be sending a similar message to Sean on the DSR. We are just trying to do what makes sense here.

Thanks,

Krista

-----Original Message-----

From: Cora.Lori@epamail.epa.gov [mailto:Cora.Lori@epamail.epa.gov]
Sent: Thursday, November 12, 2009 10:45 AM
To: Koehl, Krista
Cc: Sheldrake.Sean@epamail.epa.gov
Subject: Re: FW: T4 DSR Comments

Hi, Krista. I don't think I will have any more insight into the issues you raise. Sean would need to be on the call and he is unavailable most of the remainder of this month. I recall there was a chart developed at the end of our dispute process that specified what performance standards, etc. were accepted for the design of the CDF. There were also references to what issues, such as spacial temporal averaging of the human health AWQCs that could change if the RI/FS process were to determine such is acceptable.

In the absence of the RI/FS process determining an issue; however, I believe the Port will need to default to the most conservative approach, e.g., point by point.

I suggest that the Port develop the information requested by EPA, and if that information is reliant on an interpretation of the resolution of the dispute process, then you should provide your rationale and specific reference to where in the dispute resolution agreement your position is supported.

Lori Houck Cora
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>

11/12/2009 10:23
AM

Lori Cora/R10/USEPA/US@EPA

FW: T4 DSR Comments

To

cc

Subject

Hi Lori. We are pulling together the requested information in response to Deb's October letter. I would like to get clarity on what EPA wants - to make sure our letter is responsive and the Port does not misunderstand anything when we respond. Sean's email below re the Design Status Report, and the conversations he had with Jim and Kelly last week on the design, are making things less and less clear to me. Specifically, I want to discuss how all this relates to our November 2007 dispute resolution. The last time you and I talked, we seemed to be on the same page with respect to interpreting that resolution.

The Port truly wants to have a plan that makes sense for EPA and for the Port, and these discussions are not a means to back out of our obligations under the T4 AOC. We will make that clear in the letter, too, as requested.

I will give you a call to discuss - I just wanted to give you a heads up to the issue.

Thanks,
Krista

-----Original Message-----

From: Sheldrake.Sean@epamail.epa.gov [mailto:Sheldrake.Sean@epamail.epa.gov]
Sent: Wednesday, November 11, 2009 3:49 PM
To: Madalinski, Kelly
Cc: Elizabeth Appy; McKenna, Jim; John Verduin; Ken Fellows; Koehl, Krista; David, Sheila; Tom Schadt; Todd Thornburg
Subject: RE: T4 DSR Comments

Kelly,

As I explained on the recent conference call consistent with the EPA October letter, the Port needs to use, at a minimum, the previously established performance standards, and therefore, there is no inherent need to delay the 60% design for the CDF relative to the FS schedule. The 60% CDF design can proceed, although there is always the risk of rework and need to update costs based on new information.

Thank you.

S

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Portland Harbor Cleanup:
<http://yosemite.epa.gov/r10/cleanup.nsf/sites/ptldharbor>
Green Cleanups:
<http://yosemite.epa.gov/R10/extaff.nsf/programs/greencleanups>
Deliveries: Parking Garage mailroom (1st floor)
Visitors: Check-in @ PERC / Service Center on 12th floor:
<http://yosemite.epa.gov/r10/extaff.nsf/PERC/Visiting+Seattle>

"Madalinski,
Kelly"
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11/11/2009 07:43 AM

Sean Sheldrake/R10/USEPA/US@EPA
To
cc

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Subject

RE: T4 DSR Comments

Sean,

As discussed on November 5, the Port is working on a response to EPA's 10/22/09 letter that offers additional information that allows EPA to

further consider the Port's realignment schedule proposal for the Phase II of the T4 RA. The Port will submit this letter by November 23, 2009. The revised Design Status Report (DSR) is also currently scheduled to be completed on November 23, 2009. The DSR will include a detailed, updated schedule for Phase II, as requested by EPA. It seems that we should first, however, resolve the Port's pending request and obtain EPA approval of a Phase II schedule--whatever that may end up being. Therefore, the usefulness of the DSR report to aid as an update to the Phase II design is better served if it is finalized after the resolution of the Phase II schedule.

The Port proposes submitting the DSR within 30 days after EPA approves an updated Phase II schedule.

Please contact me with any questions.

Thank you,
Kelly

Kelly Madalinski
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Port of Portland
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-----Original Message-----

From: Sheldrake.Sean@epamail.epa.gov [mailto:Sheldrake.Sean@epamail.epa.gov]
Sent: Monday, October 26, 2009 12:14 PM
To: Ben Hung
Cc: Elizabeth Appy; McKenna, Jim; John Verduin; Madalinski, Kelly; Ken Fellows; Koehl, Krista; David, Sheila; Tom Schadt; Todd Thornburg
Subject: RE: T4 DSR Comments

Ben,

EPA has reviewed the Port responses, which are acceptable, with one exception. Please provide a revision within 30 days.

Re: Short SAP for Pier 5 Area: Please delete the second sentence of the Port's followup response. EPA does not agree that characterization work to be performed at T4 is linked to the schedule for the harbor-wide RI/FS.

Thank you.

S

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Portland Harbor Cleanup:
<http://yosemite.epa.gov/r10/cleanup.nsf/sites/ptldharbor>
Green Cleanups:
<http://yosemite.epa.gov/R10/extaff.nsf/programs/greencleanups>
Deliveries: Parking Garage mailroom (1st floor)
Visitors: Check-in @ PERC / Service Center on 12th floor:
<http://yosemite.epa.gov/r10/extaff.nsf/PERC/Visiting+Seattle>

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10/23/2009 03:14 PM

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Subject

Sean-

Please see the Port's responses to EPA's Design Status Report comments. The most recent comments and responses are highlighted in grey. Let me know if you have any questions.

Thanks,

Ben Hung
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-----Original Message-----

From: Sheldrake.Sean@epamail.epa.gov [mailto:Sheldrake.Sean@epamail.epa.gov]
Sent: Friday, July 24, 2009 1:17 PM
To: Ben Hung; LaFranchise, Nicole
Cc: Elizabeth Appy; John Verduin; Ken Fellows; Koehl, Krista; Lori Russo; Tom Schadt; Todd Thornburg; asomes@parametrix.com; cyril.alex@deg.state.or.us; Humphrey.Chip@epamail.epa.gov; cora.lori@epa.gov; cyril.young@dsl.state.or.us; davoli.dana@epa.gov; Blischke.Eric@epamail.epa.gov; fuentes.rene@epa.gov; jeremy_buck@fws.gov; peterson.jennifer@deg.state.or.us; ANDERSON.Jim@deg.state.or.us; Ken Fellows; Koch.Kristine@epamail.epa.gov; Cora.Lori@epamail.epa.gov; poulsen.mike@deg.state.or.us; Nancy.Munn@noaa.gov; audiehuber@ctuir.com; jdw@jdw-law.net; jweis@hk-law.com; cunninghame@gorge.net; erin.madden@gmail.com; Lisa.BlueLake@grandronde.org; Michael Karnosh; raygivens@givenslaw.com; rose@yakama.com; sheila@ridolfi.com; tomd@ctsi.nsn.us; Jennifer Peers; dallan@stratusconsulting.com; reopn@mindspring.com; rick.j.kepler@state.or.us; Robert.Neely@noaa.gov; shephard.burt@epa.gov; smith.judy@epa.gov; Steve.PURCHASE@state.or.us; gainer.tom@deg.state.or.us
Subject: RE: T4 DSR Comments

Nicole, Ben,

Please see EPA's comments below on the Port's responses to Design Status Report Comments, dated July 22.

3. Please comply with EPA's original comment, "Please prepare a short memo outlining the approach (number of samples, locations, core sectioning, analytes, etc.)." and supply a proposed delivery date for this memo and a SAP for the pier 5 area.

4b. Please add the requested sentence. EPA's position is that no formal agreement was reached, and that final mitigation requirements for Phase II and the CDF are uncertain at this time. It is possible that new information or regulatory action, such as new species being listed as threatened or endangered in the project area, could arise before the mitigation requirements are finalized, thus requiring more or different mitigation.

5b(1). The principle remedial decision is whether waste is removed from the environment or contained in place, and this decision is based on the 9 factors stated in EPA guidance for evaluating alternatives and the CWA 404 ARAR. Per EPA CERCLA RI/FS Guidance, removing waste from the environment is part of the range of "general response actions" that are developed considering the remedial action objectives. For a general response action that considers waste removal, applicable technologies and process options are generated that may include treatment, contained on-site disposal, and off-site disposal. These technologies and process options are evaluated considering effectiveness, implementability, and cost. As a broad premise, the reason for considering waste removal with on-site disposal is that it is more effective than containment in place, while costing less than waste removal with off-site disposal (which is presumed to have a very high level of effectiveness). Similarly, for the CWA 404 ARAR, the key metric is that for the discharge of dredged or fill material would not significantly degrade the nation's waters and there are no practicable alternatives less damaging to the aquatic environment. Therefore, considering both CERCLA guidance and the CWA 404 ARAR, the CDF must be designed to be as effective/protective as practicable. There is no default presumption that performance standards allowed or established for other general non-CDF response actions/alternatives (which may be set considering a variety of factors) would be applicable to CDF performance.

5b(2). EPA is using the term performance standard as a broad reference to a well defined and coordinated set a compliance criteria that could include one or more numerical limits, points of compliance, time requirements, and/or other criteria.

6. EPA concurs that Region 6 Tapwater PRGs are appropriate rather than Region 9 values.

Please submit a response to comments within 30 days.

Let me know if you have any questions.

S

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07/22/2009 03:01
PM

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Subject
RE: T4 DSR Comments

Sean-

I have attached the Port's responses to EPA comments on the May DSR. Please let us know if you have questions related to any of the responses.

Thanks,

Ben Hung
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From: Sheldrake.Sean@epamail.epa.gov [mailto:Sheldrake.Sean@epamail.epa.gov]
Sent: Friday, June 12, 2009 9:37 AM
To: byanasak@anchorenv.com; Koehl, Krista; LaFranchise, Nicole; David, Sheila; tschadt@anchorenv.com
Cc: asomes@parametrix.com; cyril.alex@deq.state.or.us; Humphrey.Chip@epamail.epa.gov; cora.lori@epa.gov; cyril.young@dsl.state.or.us; davoli.dana@epa.gov; Blischke.Eric@epamail.epa.gov; fuentes.rene@epa.gov; jeremy_buck@fws.gov; peterson.jennifer@deq.state.or.us; ANDERSON.Jim@deq.state.or.us; Kfellows@parametrix.com; Koch.Kristine@epamail.epa.gov; Cora.Lori@epamail.epa.gov; poulsen.mike@deq.state.or.us; Nancy.Munn@noaa.gov; audiehuber@ctuir.com; jdw@jdw-law.net; jweis@hk-law.com; cunninghame@gorge.net; erin.madden@gmail.com; Lisa.Bluelake@grandronde.org; Michael Karnosh; raygivens@givenslaw.com; rose@yakama.com; sheila@ridolfi.com; tomd@ctsi.nsn.us; Jennifer Peers; dallen@stratusconsulting.com; reopn@mindspring.com; rick.j.kepler@state.or.us; Robert.Neely@noaa.gov; shephard.burt@epa.gov; smith.judy@epa.gov; Steve.PURCHASE@state.or.us; gainer.tom@deq.state.or.us
Subject: T4 DSR Comments

Nicole, Please see the attached comments on the May DSR. Overall the report was good in including information the Port needs for the T4 design process, but needs additional information on information that the Port needs to feed into the FS process from the T4 design process such that the removal action alternative is evaluated as an FS option and

selected, changed, or replaced with another alternative in the Harborwide ROD.

Please let me know if you have any questions or concerns.

Thank you.

S

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<http://yosemite.epa.gov/r10/extaff.nsf/PERC/Visiting+Seattle>(See
attached file: T4 DSR response to EPA comments_7-22-09 .pdf)
(See attached file: T4 DSR Responses to EPA comments on Initial Port
Responses_10-23-09.pdf)